



U.S. Department of Justice

United States Attorney
Southern District of New York
Civil Division

c/o Social Security Administration tel: (212) 264-2049
Office of the General Counsel fax: (833) 411-0842
Office of Program Litigation – 2 fergus.kaiser@ssa.gov
6401 Security Blvd.
Baltimore, MD 21235

BY CM/ECF

March 1, 2024

Hon. John G. Koeltl
United States District Judge
Daniel Patrick Moynihan
United States Courthouse
500 Pearl St.
New York, NY 10007-1312

Re: *Martinez v. Commissioner of Social Security*,
No. 1:23-cv-05464-JGK-RWL

Dear Judge Koeltl:

I write on behalf of the Commissioner of Social Security (the Commissioner) to advise the Court of an error concerning the administrative record in this case, and to ask that the Court strike the administrative record. In reviewing the record, it was discovered that it contains medical records pertaining to a different individual, not Maritza Martinez, the plaintiff in this case, but a different Maritza Martinez with a date of birth different from that of the plaintiff in this case. See ECF No. 13, pp. 385-406. Therefore, the undersigned has asked the Social Security Administration to prepare a corrected record. Given that the administrative record on file contains information concerning an individual other than plaintiff, we respectfully request that the Court issue an order striking the current record, at ECF No. 13, instructing Plaintiff and Plaintiff's counsel to destroy any and all copies of the current CAR, and permitting the Commissioner to file the corrected CAR immediately upon its completion. Anselmo A. Alegria, Esq., Plaintiff's counsel, has no objection to this request.

The request is granted. The record filed at Dkt. 13 is stricken. Respondent shall promptly file the corrected record.

SO ORDERED:

3/4/2024

HON. ROBERT W. LEHRBURGER
UNITED STATES MAGISTRATE JUDGE

We appreciate the Court's consideration of this request.

Respectfully,

DAMIAN WILLIAMS
United States Attorney

By: /s / Fergus Kaiser
FERGUS KAISER
Special Assistant United States Attorney
Office of Program Litigation, Office 2
Office of the General Counsel
Social Security Administration
6401 Security Boulevard
Baltimore, MD 21235
Tel. (212) 264-2049
Email: fergus.kaiser@ssa.gov

cc: Anselmo A. Alegria, Esq.
Counsel for Plaintiff